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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,970	02/27/2004	Daryl B. Olander	BEAS-01375US0	9424
23910 7590 02/14/2007 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER BELOUSOV, ANDREY	
			ART UNIT	PAPER NUMBER
			2109	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/14/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/789,970

Applicant(s)

OLANDER ET AL.

Examiner

Andrew Belousov

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the original filing of February 27, 2003. Claims 1-45 are pending and have been considered below.

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 45 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 45 is drawn to a computer data signal (electronic signals) embodied in a transmission medium. The Office considers an electronic signal to be a form of energy. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a compilation of matter. Thus, an electronic transmission signal does not fall within any of the four categories of invention. Therefore, Claim 45 is not statutory.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7-9, 11-13, 15-18, 21-23, 25-27, 29-33, 36-38, 40-42, 44 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Hearst, (6,223,145.)

**Claim 1, 30, 45:** Hearst discloses a method, machine readable medium having instructions stored thereon, and a computer data signal embodied in a transmission medium for navigating a graphical user interface (GUI) having at least one page, comprising:

- a. providing a first booklet, wherein user interaction with the first booklet can cause the GUI to navigate to a new page (Fig. 13: 216; controls to change pages on the bottom);
- b. providing a request based on user interaction with the first booklet (request: query; 7:6-28);
- c. mapping the request to a control tree factory ("a cone tree generation component"; 7:6-28);
- d. generating a control tree from the factory based on the request wherein the control tree includes a booklet control corresponding to the first booklet (control tree: "cone tree"; factory: "cone tree generation component"; request: "query"; 7:6-28; booklet control: 10:40-47);

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- e. advancing the control tree through at least one lifecycle stage based on the request (cone tree generation (initialization): 7:6-28); and
- f. generating a response wherein the response can be used to render the new page (response: search results; 8:38-45; 11:64-65; new page: Fig. 17: 225).

**Claim 16:** Hearst discloses a method for navigating a portal graphical user interface (GUI) having at least one page, comprising:

- a. providing a first booklet, wherein user interaction with the first booklet can cause the GUI to navigate to a new portal page (Fig. 13: 216; controls to change pages on the bottom);
- b. providing a request based on user interaction with the first booklet (request: query; 7:6-28);
- c. mapping the request to a control tree factory ("a cone tree generation component"; 7:6-28);
- d. generating a control tree from the factory based on the request wherein the control tree includes a booklet control corresponding to the first booklet (control tree: "cone tree"; factory: "cone tree generation component"; request: "query"; 7:6-28; booklet control: 10:40-47);
- e. advancing the control tree through at least one lifecycle stage based on the request (cone tree generation (initialization): 7:6-28);

- f. generating a response wherein the response can be used to render the new portal page (response: search results; 8:38-45; 11:64-65; new page: Fig. 17: 225); and wherein
- g. the new page can a second booklet (Fig. 17: 225).

**Claim 2, 17, 31:** Hearst discloses a method and machine readable medium having instructions stored thereon of claim 1, 16 and 30, respectively, wherein: the first booklet is at least one of: 1) a set of tabs and/or buttons; and 2) a menu (Fig. 13: 216.)

**Claim 3, 18, 32:** Hearst discloses a method and machine readable medium having instructions stored thereon of claim 1, 16 and 30, respectively, wherein: the first booklet is associated with at least one of the least one page (Fig. 13: 216.)

**Claim 4, 33:** Hearst discloses a method and machine readable medium having instructions stored thereon of claim 1 and 30, respectively, wherein: the new page can a second booklet (Fig. 17: 225.)

**Claim 7, 21, 36:** Hearst discloses a method and machine readable medium having instructions stored thereon of claim 1, 16 and 30, respectively, comprising: providing the response to a web browser (11:64-65; results presented to SearchBook: a modification of the WebBook, a 'web browser'.)

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**Claim 8, 22, 37:** Hearst discloses a method and machine readable medium having instructions stored thereon of claim 1, 16 and 30, respectively, wherein: the control tree is driven through the at least one lifecycle stage by an interchangeable lifecycle component (9:14-28; processor.)

**Claim 9, 23, 38:** Hearst discloses a method and machine readable medium having instructions stored thereon of claim 1, 16 and 30, respectively, wherein: the booklet control has an interchangeable persistence mechanism (9:14-28; non-volatile memory.)

**Claim 11, 25, 40:** Hearst discloses a method and machine readable medium having instructions stored thereon of claim 1, 16 and 30, respectively, wherein: the booklet control can interact with another of the at least one controls (generate events: 12:49-52.)

**Claim 12, 26, 41:** Hearst discloses a method and machine readable medium having instructions stored thereon of claim 1, 16 and 30, respectively, wherein: the booklet control can advance through the at least one lifecycle stage in parallel with other controls in the control tree (15:24-29.)

**Claim 13, 27, 42:** Hearst discloses a method and machine readable medium having instructions stored thereon of claim 1, 16 and 30, respectively, wherein: the at least one lifecycle stage is one of: init, load state, create child controls, load, raise events, pre-

render, render, save state, unload and dispose (cone tree generation (initialization): 7:6-28.)

**Claim 15, 29, 44:** Hearst discloses a method and machine readable medium having instructions stored thereon of claim 1, 16 and 30, respectively, wherein: the booklet control can raise events and respond to events (generate events: 12:49-52; respond to events (mouse down event): 15:24-29.)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 19 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hearst in view of Robertson et al., (5,295,243.)

**Claim 5, 19, 34:** Hearst discloses a method, and a machine readable medium having instructions stored thereon of claims 1, 16 and 30, respectively, wherein the step of generating a control tree from the factory comprises: creating a metadata representation of a control tree (metadata: "labels" 9:64-10:8). While Hearst does not explicitly disclose ~~that~~ generating a class to construct the control tree based on the metadata representation, Robertson discloses a similar method and a machine



readable medium having instructions thereon, wherein generating a class to construct the control tree is based on the metadata representation (Fig. 8, 180.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add this feature disclosed in Robertson to Hearst. One would have been motivated to generate a class to construct the control tree based on metadata representation as it was a prevalent method for object instantiation in object orientated programming languages, such as C++, a suggested computer language for realizing the instructions disclosed in Hearst (10:12-15.)

7. Claims 6, 14, 20, 28, 35 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hearst in view of Anuff et al., (6,327,628.)

**Claim 6, 20, 35:** Hearst discloses a method, and a machine readable medium having instructions stored thereon of claims 1, 16 and 30, respectively. While Hearst does not explicitly disclose that wherein the request is an hypertext transfer protocol request (HTTP); and the request originates from a web browser, Anuff discloses a similar method and a machine readable medium having instructions thereon, wherein the request is an hypertext transfer protocol request (HTTP) (Fig. 13: HTTP connection); and the request originates from a web browser (Fig. 13: Browser.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add this feature disclosed in Anuff to Hearst. One would have been motivated to have an HTTP request originating from a web browser because HTTP was a widely

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used standard on World Wide Web for request transfers between a web browser and a web server.

**Claim 14, 28, 43:** Hearst discloses a method, and a machine readable medium having instructions stored thereon of claims 1, 16 and 30, respectively. While Hearst does not explicitly disclose that wherein the response is an HTTP response, Anuff discloses a similar method and a machine readable medium having instructions thereon, wherein the response is an HTTP response (Fig. 13: HTTP connection.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add this feature disclosed in Anuff to Hearst. One would have been motivated to have a response in HTTP because HTTP was a widely used standard on World Wide Web for request/response transfers between a web browser and a web server.

8. Claims 10, 24 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hearst in view of Robertson et al., (6,486,895.)

**Claim 10, 24, 39:** Hearst discloses a method, and a machine readable medium having instructions stored thereon of claims 1, 16 and 30, respectively. While Hearst does not explicitly disclose that wherein the booklet control can render itself according to a theme, Robertson discloses a similar method and a machine readable medium having instructions thereon, wherein the booklet control can render itself according to a theme (8:42-49; Fig. 9) Therefore, it would have been obvious to one having ordinary skill in

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the art at the time the invention was made to add this feature disclosed in Robertson to Hearst. One would have been motivated to utilize a booklet control that can render itself to according to a theme based on an explicit suggestion in Hearst to use a modification of Robertson's WebBook disclosure, wherein the WebBook object includes contents about its own spatial arrangement, margin information and selectable regions allowing it to render itself.

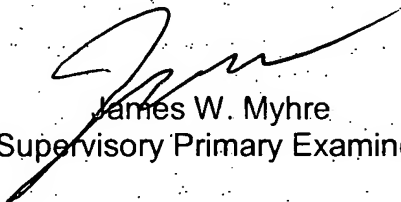
### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB  
Feb 7, 2006



James W. Myhre  
Supervisory Primary Examiner